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Attorney for *Plaintiff*

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN MARIANA ISLANDS

RANDALL T. FENNELL,

Plaintiff,

vs.

MATTHEW T. GREGORY, former Attorney  
General, GREGORY BAKA, Acting Attorney  
General, ANTHONY WELCH, Assistant Attorney  
General, TOM J. SCHWEIGER, Assistant Attorney  
General and DOES 1-20, in their official and  
individual capacities,

Defendants.

CASE NO. CV 09-0019

DECLARATION OF  
COUNSEL

Date: September 10, 2009

Time: 9:00 a.m.

Judge: Hon. Alex R. Munson

I, Mark B. Hanson, do hereby declare as follows:

1. I am competent to testify, and if called to do so, I would testify in accord herewith.
2. I am the attorney for Plaintiff in the above-captioned case.
3. Attached hereto as Exhibit "A" is a true and correct copy of a letter dated August 7, 2006 from the Honorable Robert C. Naraja, Presiding Judge of the Commonwealth Superior Court to Rexford C. Kosack.

I declare under the penalty of perjury that the foregoing is true and correct and that this Declaration was executed this 27<sup>th</sup> day of August, 2009 in Saipan, Commonwealth of the Northern Mariana Islands.

/s/ Mark B. Hanson

MARK B. HANSON

CERTIFICATE OF SERVICE

I hereby certify that the following attorneys were served with a copy of the foregoing through the Court's electronic case filing system:

Braddock J. Huesman, Assistant Attorney General  
OFFICE OF THE ATTORNEY GENERAL  
Commonwealth of the Northern Mariana Islands  
Hon. Juan A. Sablan Memorial Bldg., Second Floor  
Caller Box 10,007, Capitol Hill  
Saipan, Mariana Islands 96950

Attorney for Defendants

DATED: August 27, 2009

/s/ Mark B. Hanson

MARK B. HANSON



## SUPERIOR COURT

COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS, U.S.A.  
Guma' Hustisia, Iimwal Aweewe, House of Justice  
P.O. BOX 500307, SAIPAN, MP 96950-0307



ROBERT C. NARAJA  
Presiding Judge

Phone: (670) 236-9750  
Fax: (670) 236-9742  
E-mail: rnaraja@justice.gov.mp

August 7, 2006

Rexford C. Kosack  
P.O. Box 500410  
Saipan, MP 96950

Re: July 1, 2006 PELDIA Request of Receiver Randall T. Fennell

Dear Mr. Kosack:

I am in receipt of your July 1, 2006 letter requesting two determinations by the Superior Court. The two determinations are as follows: first whether Mr. Fennell is entitled to PELDIA coverage as to the claims brought against him by MPLA; second whether the Attorney General is prevented from representing Mr. Fennell due to conflicts of interest, thus entitling Mr. Fennell to government-paid outside counsel.

While I am the administrative officer of the Superior Court, I am not able to make legal interpretations that bind the Superior Court. Accordingly, I have forwarded your letter (as I have done with all previous letters in this matter) to the Attorney General and requested a legal opinion regarding the issues contained therein. I trust the screening process will ensure a conflict-free and objectively-prepared response to these legal questions.

*Si Yu'us Ma'ase,*

Robert C. Naraja  
Presiding Judge

cc: Randall T. Fennell  
Matthew T. Gregory, Attorney General

EXHIBIT A

SEARCHED  
SERIALIZED  
INDEXED  
FILED  
AUG 10 2006  
FBI - SAIPAN